

REMARKS

The statement by the Examiner that claims 4, 5, 10, 11, 16 and 17 contain allowable subject matter is gratefully acknowledged by the Applicant.

Applicant's representative also thanks the Examiner for confirming, during a telephone call on January 2, 2004, that the instant Office Action is not a final rejection as indicated in the Office Action summary.

Claims 6, 10 and 16 have been amended. Claims 1-18 are pending in the present application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

The drawings stand objected to because the Office Action states that FIG. 1 should be labeled --prior art--. Pursuant to the Examiner's request, FIG. 1 has been amended to include the label --prior art--. No new matter has been introduced. Applicant respectfully requests that the attached drawing sheet be accepted and that the objection be withdrawn.

Claims 1-3, 6-9, 12-15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakanishi et al., U.S. Patent No. 5,701,597 (hereinafter "Nakanishi"). The rejection is respectfully traversed.

Claim 1 recites a "secondary-battery control circuit" comprising "a first path supplying a first load current from one or more secondary batteries connected in series or parallel, to a system, and including a first cutoff switch; and a second path supplying a second load current from said one or more secondary batteries to the system." According to claim 1, the "first cutoff switch is turned off if a voltage of said one or more secondary batteries is lower than a first predetermined voltage, or if the first load

current is greater than a predetermined current, thereby cutting off the first load current to the system.” Applicant respectfully submits that Nakanishi fails to disclose the invention recited in claim 1.

Nakanishi discloses a battery pack for a portable device. The Nakanishi battery pack relied upon by the Office Action includes two batteries 12, 14 (where each battery 12, 14 comprises one or more batteries connected together) connected to a main unit 38 by arguably two different paths that include control switches 40, 42, 44 (see FIG. 10). Nakanishi discloses a technique for disconnecting “one battery whenever it becomes significantly more discharged than the other battery.” Col. 7, ll. 34-36. The premise of the Nakanishi invention is to utilize as much charge as possible from each battery 12, 14. Nakanishi, however, is different than the claimed invention for several reasons.

Initially, claim one recites two paths for one battery, while Nakanishi discloses two paths, one each for two separate batteries. Moreover, the claimed invention cuts “off the first load current to the system” from the first path but not the second load current from the second path “if a voltage of said one or more secondary batteries is lower than a first predetermined voltage, or if the first load current is greater than a predetermined current.” This means that the “one or more secondary batteries connected in series or parallel” of claim 1 are still connected to the system by the second path when the first load current is cut off. This is desirable and advantageous because e.g., remaining-charge indicating circuitry and/or resetting circuitry can remain powered and functional without the use of external components. See Specification p. 22, l. 25 to p. 24, l. 16. Nakanishi, on the other hand, disconnects the more discharged battery when its corresponding cutoff switch is opened (i.e., there is no second path from the disconnected battery). Thus, Nakanishi fails to disclose the claimed invention.

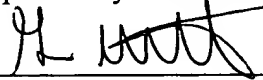
For at least the foregoing reasons, claim 1 is allowable over Nakanishi. Claims 2-3 and 6 depend from claim 1 and are allowable along with claim 1. Claims 7-9, 12-15 and 18 are allowable for at least the reasons set forth above and on their own merits. The rejection should be withdrawn and claims 1-3, 6-9, 12-15 and 18 allowed.

Claims 4, 5, 10, 11, 16 and 17 stand objected to as being dependent upon rejected base claims, but are otherwise allowable. Pursuant to the Examiner's recommendation, claims 4, 10 and 16 have been rewritten as independent claims including the limitations of their respective base claims. As such, claims 4, 10 and 16 are allowable. Claim 5 depends from claim 4 and is allowable along with claim 4. Claim 11 depends from claim 10 and is allowable along with claim 10. Claim 17 depends from claim 16 and is allowable along with claim 16. The objection should be withdrawn and claims 4, 5, 10, 11, 16 and 17 allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: February 18, 2004

Respectfully submitted,

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